

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GYM WORLD, INC.,
BF OF CHELMSFORD, INC.,
BF OF LOWELL, INC.
BF OF SPRINGFIELD, INC.,
BF OF DANVERS, LLC.,

PLAINTIFFS

V.

CASE No. 1:20-11162

CHARLES D. BAKER, in his capacity as the
Governor of the Commonwealth of Massachusetts,

DEFENDANT

PLAINTIFF'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION and REQUEST FOR SHORT ORDER OF NOTICE

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, the above-named plaintiffs hereby respectfully move for a temporary restraining order and preliminary injunction on an emergency basis and expedited briefing schedule to enjoin the enforcement of the defendant's March 10, 2020 COVID-19 Order No. 13, and subsequent related orders, as they pertain to the plaintiffs. Plaintiffs hereby incorporate by reference the original complaint, the memorandum of law and affidavit of David Dos Santos in support of this motion, filed contemporaneously herewith.

As detailed in the accompanying memorandum of law, there is a substantial likelihood that plaintiffs will succeed on the merits of their claims against the defendant; that without a preliminary injunction and temporary restraining order, there is substantial risk that plaintiffs will suffer irreparable harm; that the balance of harms weighs in favor of the plaintiffs; and the requested preliminary injunction and temporary restraining order will not adversely affect the public interest.

WHEREFORE, plaintiffs respectfully request that the Court enter a temporary restraining order and preliminary injunction enjoining enforcement of the defendant's March 10, 2020 COVID-19 Order No. 13, and subsequent related orders, as they pertain to the plaintiffs.

REQUEST FOR ORAL ARGUMENT

Due to the exigent circumstances detailed in plaintiffs' complaint, plaintiffs respectfully request an *expedited* hearing, with a short order of notice, on this motion under Local Rule 7.1(d) and (e). Plaintiffs further respectfully request that the Court conduct the hearing telephonically. This Court may also take judicial notice that the various judges of this District Court are routinely granting motions by the parties to appear telephonically, rather than in person, at hearings.

Dated: June 25, 2020

Respectfully submitted,

THE PLAINTIFFS,

By their attorney,

/Richard P. McClure/

Richard P. McClure, Esquire

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CERTIFICATE OF ATTEMPT TO CONFERENCE

I hereby certify that I attempted to conference with opposing counsel through a phone call to the Attorney General's Office on June 25, 2020 but discovered that the case had yet to be assigned to an attorney.

/Richard P. McClure/

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 25, 2020.

/Richard P. McClure/

